

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

EDWARD R. LEGETTE-BEY,)	CASE NO.1:06CV1704
)	
)	
Petitioner,)	JUDGE CHRISTOPHER A. BOYKO
)	
Vs.)	
)	
UNITED STATES OF AMERICA)	ORDER
)	
Respondent)	

CHRISTOPHER A. BOYKO, J:

This matter is before the Court on Petitioner's Motion for Discovery (ECF Dkt# 5) and Motion for Discovery (ECF Dkt# 7). For the following reasons, the Court grants, in part, and denies, in part, Petitioner's Motion.

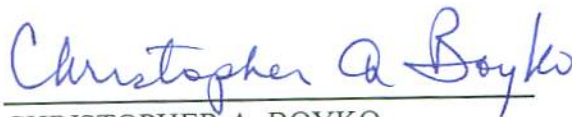
Petitioner seeks discovery he needs to help prepare a brief he intends to submit with his §2255 petition. Furthermore, he alleges his appellate counsel never provided him the requested materials.

"Habeas petitioners have no right to automatic discovery. A district court has discretion to grant discovery in a habeas case upon a fact specific showing of good cause under Rule 6."

Stanford v. Parker, 266 F.3d 442, 460 (6th Cir. 2001). "The burden of demonstrating the

materiality of information requested is on the moving party.” *Id.* However, pursuant to 28 U.S.C. §2250 and 28 U.S.C. §753(f), having determined Petitioner may proceed *in forma pauperis*, the Court Orders the clerk of courts to provide Petitioner copies of his criminal trial transcript, sentencing hearing transcript and docket sheet in criminal case No. 1:02CR367 and 1:03CR 136 (consolidated for trial purposes). The Court denies Petitioner’s additional discovery requests as Petitioner has failed to demonstrate sufficient facts supporting a particularized need for those materials.

IT IS SO ORDERED.



CHRISTOPHER A. BOYKO
United States District Judge

FILED

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CLERK OF COURTS
U.S. DISTRICT COURT, M.D.C.
CLEVELAND